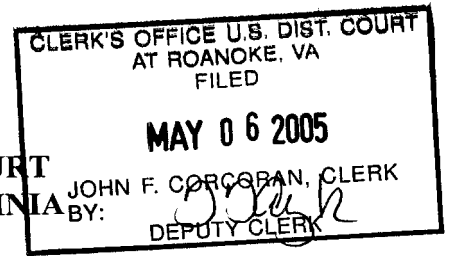


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



ANDRE SYLVESTER WATTS,  
Plaintiff,

v.

GEORGE, ET AL.,  
Defendants.

Civil Action No. 7:05-CV-00258

MEMORANDUM OPINION

By: Hon. Glen E. Conrad  
United States District Judge

Plaintiff Andre Sylvester Watts, a Federal inmate proceeding pro se, brings this Bivens action, with jurisdiction vested under 28 U.S.C. § 1331. Watts is currently incarcerated at the United States Penitentiary in Lee County (USP Lee). Watts claims that the defendants have violated the terms of the Prison Litigation Reform Act (PLRA) by unduly encumbering Watts's inmate trust account. Watts seeks injunctive relief and damages. This matter is presently before this court as a result of the court's screening function, as set out in 18 U.S.C. § 1915A. Because Watts's complaint does not allege a claim for which relief may be granted, this court shall file and dismiss this action, pursuant to 28 U.S.C. § 1915A(b)(1).

Under 28 U.S.C. § 1915A(b)(1), the court may dismiss a complaint that is frivolous, malicious, or fails to state a claim upon which relief may be granted. For the reasons set forth below, the court finds that Watts's complaint fails to state a claim upon which relief may be granted.

Watts alleges that the defendants are withdrawing money from his inmate trust account in excess of that authorized by the PLRA. Watts claims that the PLRA only allows prison officials to remove 20% of the amount over \$10. However, the PLRA authorizes prison officials to withhold 20% of the inmate's prior month's income for each suit for which the inmate has provided a signed consent form. See 28 U.S.C. § 1915(b)(2) (requiring the inmate "to make monthly payments of 20 percent of the preceding month's income").

According to the information provided by Watts, prison officials are withholding 20% of each month's income above \$10 for each of Watts's five outstanding filing fees. The PLRA does not prohibit this action. Watts's has not stated a claim for which relief may be granted. Therefore, this court files and dismisses this Bivens action.

ENTER: This 6<sup>th</sup> day of May, 2005.

  
UNITED STATES DISTRICT JUDGE